SOUTHERN DISTRICT OF NEW YORK		
IN RE VEECO INSTRUMENTS INC. SECURITIES LITIGATION	x : :	No. 7:05-MD-01695-CM
	: x	
THIS DOCUMENT RELATES TO: ALL ACTIONS	:	
	: x	

UNITED STATES DISTRICT COURT

## NOTICE OF MOTION AND MOTION TO DISMISS THE CONSOLIDATED AMENDED COMPLAINT BY DEFENDANTS VEECO INSTRUMENTS INC., EDWARD H. BRAUN, JOHN F. REIN, JR., AND JOHN P. KIERNAN

PLEASE TAKE NOTICE that, upon the papers to be filed with this Court, Defendants Veeco Instruments Inc., Edward H. Braun, John F. Rein, Jr., and John P. Kiernan (collectively, the "Defendants"), by their counsel Gibson, Dunn & Crutcher LLP, will respectfully move this Court, before the Honorable Colleen McMahon, United States District Judge, at a date and time to be determined by the Court, for an Order, pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6), dismissing Plaintiff's Consolidated Amended Class Action Complaint for failure to state a claim and lack of particularity, based on the grounds set forth in the Memorandum of Law in Support of Defendants' Motion to Dismiss the Consolidated Amended Complaint, and accompanying Declaration of Robert F. Serio, dated December 2, 2005, with accompanying exhibits, and the Defendants' reply papers thereto.

Dated: New York, New York December 2, 2005

GIBSON, DUNN & CRUTCHER LLP

John A. Herfort (JH-1460)

Robert F. Serio (RS-2479)

GIBSON, DUNN & CRUTCHER LLP

200 Park Avenue

New York, New York 10166-0193

Phone: (212) 351-4000 Fax: (212) 351-4035

Attorneys for Defendants Veeco Instruments Inc., Edward H. Braun, John F. Rein, Jr. and John P.

Kiernan